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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ENOCH ADAMS, JR., LEROY ADAMS,)	
ANDREW KOENIG, JERRY NORTON,)	
DAVID SWAN, JOSEPH SWAN,)	
Plaintiffs,)	
)	
vs.)	
)	
TECK COMINCO ALASKA)	
INCORPORATED,)	
Defendant,)	
)	
NANA REGIONAL CORPORATION, and)	JOINT STATUS REPORT
NORTHWEST ARCTIC BOROUGH,)	OF THE PARTIES REGARDING
Intervenor-Defendants.)	MEDIATION
)	Case No. A04-00049 CV (JWS)

The parties jointly interviewed four potential mediators between December 18 – 20, 2006 in San Francisco and Seattle and agreed on a mediator. The mediation is scheduled for the week of April 9, 2007. Although the parties would have preferred an earlier date for the mediation, this was the first date the mediator had open on his schedule. The mediator will be visiting the Village of Kivalina and the Red Dog Mine prior to the mediation.

The parties will be providing settlement briefs to the mediator on or before March 23, 2007. The briefs will also be provided to the other parties in the case. If any party wishes to provide information confidentially to the mediator they may include that information in a second brief that does not need to be shared with the other parties.

The parties recognize that the key component of any settlement they might reach will be one or more Supplemental Environmental Projects (SEPs), which are projects performed in lieu of the payment of penalties. Unlike civil penalties paid to the U.S. Treasury, SEPs can be structured to benefit the local community in which the money is invested. The parties will be identifying potential SEPs and gathering engineering and cost information on them prior to the mediation. Plaintiffs' counsel anticipates meeting with his clients in Kivalina the week of January 31 to discuss potential SEPs that could become part of a settlement. The parties agree that no later than February 16, 2007 they will exchange lists of potential SEPs they believe could become part of a mediated settlement. The parties shall use the time between February 16 and the April 9 mediation to further analyze the feasibility and costs of the potential SEPs.

The parties have also agreed that, unless otherwise directed by the Court, they will not be filing any substantive motions in this case prior to completion of the mediation. The parties agree that at this stage it is preferable to spend energy to try to resolve this case through mediation, rather than motion practice. Teck Cominco, however, shall immediately provide plaintiffs and file a copy with the court of any final NPDES permit which affects any of the discharges that are a subject of this litigation as ordered in the Court's June 15, 2006 order from chambers.

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Respectfully submitted this 5th day of January, 2007 by counsel of record for each party in this case.

HARTIG RHODES HOGE & LEKISCH, P.C.
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By: /s/ Lawrence L. Hartig
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NANA Regional Corporation

DATED: _____

By: /s/ James E. Torgerson (consent given)
James E. Torgerson, ABA# 8509120

LANDYE BENNETT BLUMSTEIN LLP
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Northwest Arctic Borough

DATED: _____

By: /s/ David S. Case (consent given)
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CENTER ON RACE, POVERTY, & THE
ENVIRONMENT
Attorneys for Plaintiffs

DATED: _____

By: /s/ Luke W. Cole (consent given)
Luke W. Cole, CBA# 145,505

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of January, 2007,
a true and correct copy of the foregoing was served,
via electronic service, on the below identified parties of
record:

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/s/ Larry Hartig
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